

### **REMARKS**

Claims 1-15 are all the claims pending in the application. By this Amendment, claims 1, 2 and 4-7 are amended, and new claims 15-18 are added. In view of the foregoing amendments and following remarks, applicant respectfully requests withdrawal of the rejections, and allowance of the claims.

#### **I. Response to Arguments**

Applicant thanks the Examiner for the withdrawal of the previous rejection with respect to claims 1-6.

With respect to the Examiner's comments regarding pages 8-11 and 11-12 of applicant's previous response, applicant respectfully submits that the motivation is improper for the reasons explained in greater detail below, and in view of the foregoing amendments.

#### **II. Claims 1-14 would not have been obvious**

Claims 1-10 stand rejected under 35 U.S.C. § 103(a) based on the Examiner's proposed combination of Schiff in view of Hreha, and claims 11-14 stand rejected based on the Examiner's proposed combination of Schiff, Hreha and Setoyama. Applicant respectfully submits that in view of the foregoing amendments, the Examiner's proposed combination fails to disclose all of the claimed combinations of features, and further, that the Examiner's motivation is improper. Thus, applicant respectfully requests withdrawal of the rejections, and allowance of the claims.

Schiff discloses a regenerative subtransponder satellite communication system. As acknowledged by the Examiner, Schiff alone does not disclose a multimedia broadcasting

network. Further, the system of Schiff is directed to earth stations sharing an uplink carrier, but does not at all distinguish between the types of earth stations. For example, but not by way of limitation, there is no definition of a particular earth station as a broadcaster and another earth station as a receiver, and another earth station as a controller.

Applicant respectfully disagrees with the Examiner's assertion that Schiff discloses that the transmission rate in the downlink direction is a whole multiple of the clock reference of the network. FIG. 5 of Schiff discloses that in a single frame, there can be several subframes  $1 \dots M$ . However, there is no definition of time in FIG. 5. However, the Examiner asserts that the 1 frame is characterized as the period of the downlink transmission. Applicant respectfully submits that the Examiner's characterization has no basis in the prior art.

Further, applicant respectfully submits that a period is a unit of time. However, Schiff does not disclose or suggest the amount of time required for the data of FIG. 5 to be transmitted, and the Examiner has not provided, any explanation of the actual period of time involved in the transmission of one frame, which would form the basis for any argument with respect to this claim limitation. For example, but not by way of limitation, a transmission rate is characterized in terms of megabits per second, while the Examiner's characterization has no time unit, and thus it is not clear how many bits are transmitted per time unit. In order to properly apply applicant's specification, the Examiner would have to provide the clock reference, e.g., a frequency in MHz or the like, as a number of cycles. FIG. 5 simply discloses that the number of subframes is the number of stations  $N$  multiplied by the number of carriers  $M$  on the uplink. There is no disclosure about the rate or amount of time required to perform the transmission.

The only disclosure of a transmission rate in Schiff is 72 MHz, which is for the uplink. Applicant respectfully submits that because the 60 Mbit/second is not a whole multiple of 72 MHz. Thus, Schiff does not disclose a transmission rate in a downlink direction that is a whole multiple of the clock reference.

Hreha discloses a bent-pipe satellite system. While FIG. 1 illustrates a network control center 19, a customer premises equipment (CPE) 13 connected thereto, and a satellite 15. However, applicant respectfully submits that there is no broadcasting that occurs over the satellite 15. More specifically, there is one-to-one communication between CPE's 13, but no disclosure of one-to-many communication via the satellite 15. In contrast, as explained at column 1, lines 56-59, the edge devices 13 connect to terrestrial transport systems such as the internet. Thus, the portion of Hreha cited by the Examiner is not related to multimedia broadcast by satellite, but a meshed private network of individual users connected by satellite.

Applicant respectfully submits that the Examiner's proposed combination of references fails to disclose or suggest all of the claimed combinations of features recited in claims 1 and 5. For example, but not by way of limitation, applicant respectfully submits that the proposed combination of references fails to disclose or suggest that the downlink transmission rate is a whole multiple of the clock reference of the network, as required by independent claims 1 and 5.

As explained above, the Examiner's characterization of FIG. 5 of Schiff lacks the time component necessary to define the rate. Further, the only frequency disclosed in Schiff, when compared to the downlink transmission rate of Schiff, does not disclose a whole multiple. Applicant respectfully submits that Hreha does not disclose rates, and thus fails to cure this deficiency of Schiff.

For at least the foregoing reason, applicant respectfully requests withdrawal of the rejection, and allowance of the independent claims 1 and 5.

Additionally, the Examiner acknowledges that Schiff is not directed to a multimedia broadcast signal, and proposes to combine Hreha with Schiff to cure this admitted deficiency. More specifically, the Examiner refers to the explanation of FIG. 1 of Hreha as showing a multimedia broadcasting network.

Applicant respectfully disagrees with the Examiner's characterization of the cited passage of Hreha as a multimedia broadcast network. In contrast, FIG. 1 of Hreha only discloses a meshed private network, and there is no disclosure of the type of one-to-many communication that characterizes multimedia broadcast communication. Further, there is not even any suggestion of accessing the internet via the satellite. Instead, the internet is accessed by the individual users 12 separately by terrestrial means, as explained above. Therefore, applicant respectfully submits that Hreha does not disclose "a multimedia broadcasting network with a return channel", as required by independent claims 1 and 5. There is no provider or user disclosed in Hreha, much less a network controller.

Additionally, applicant respectfully submits that the motivation for combining Schiff and Hreha as provided by the Examiner is improper. For example, but not by way of limitation, applicant respectfully submits that the Examiner has not provided sufficient motivation from the prior art, either implicitly or explicitly, as to why one skilled in the art at the time of the invention would have been motivated to combine Schiff with Hreha to produce the claimed combination of features. The only motivation proposed by the Examiner is that video is a form of communication that provides more information than text-based communication. However, this

motivation does not explain the relevance of text-based communication to the prior art or the claimed invention. The Examiner has not identified the presence of text-based communication in either Hreha or Schiff, and thus, it is not clear why text-based communication was chosen at the starting point of the motivation analysis. For at least this reason, applicant respectfully request further clarification of the Examiner's motivation basis.

Further, applicant respectfully submits that even if support existed for the text-based communication as stated by the Examiner, there is no explanation as to how one skilled in the art would modify or combine these references to produce the claimed invention. The mere suggestion that something can be done is not a sufficient basis for motivation, see MPEP §2143.01.III. Thus, applicant respectfully submits that the combination cannot be properly made to produce the claimed combination of features.

For at least the foregoing reasons, applicant respectfully requests withdrawal of the rejections, and allowance of independent claims 1 and 5.

Dependent claims 2-4 and 6-14 depend from the independent claims, and are believed to be allowable by virtue of this dependence.

Additionally, with respect to the Examiner's proposed combination of Setoyama into Schiff and Hreha with respect to claims 11-14, applicant respectfully submits that this combination is also improper for at least reasons similar to those discussed above with respect to the combination of Schiff and Hreha. For example, but not by way of limitation, Hreha teaches that the satellite should not be used for processing, whereas Setoyama discloses processing that occurs in the satellite. Further, Schiff teaches that a master clock controlled at the satellite side, whereas Hreha, as a non-processing satellite, would inherently not have the control of the

clocking at the network side. In view of at least the foregoing differences, applicant respectfully submits that one skilled in the art at the time of the invention would not have been motivated to combine the references. Further, even if, arguendo, motivation existed to combine the references, applicant respectfully submits that the combination of Schiff into Hreha would not work, because Schiff cannot distinguish between CPE 13 and network control center 19. As noted above, FIG. 1 of Hreha is not even a multimedia broadcast network. Further, the disclosure of Setoyama does not include the controller 19 required by FIG. 1 of Hreha as cited by the Examiner. It is not clear how such a controller would fit in with Setoyama; on the other hand, if this controller were removed, Hreha would be rendered inoperable for its intended purpose. Further, Schiff would not be able to distinguish the controller from the CPE of FIG. 1 of Hreha, and thus would not properly process signals as required by the claimed invention.

Therefore, applicant respectfully requests withdrawal of the rejections, and allowance of the claims.

### **III. New Claims 15-18**

As shown in the foregoing amendments, applicant has added new claims 15-18, which are directed to features disclosed in the specification of the present application, including FIG. 1. See also application page 5, line 20 and page 7, lines 4-8. Applicant respectfully submits that claims 15-18 are in proper condition for allowance, and therefore respectfully requests immediate allowance thereof.

### **IV. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

U.S. Application Serial No. 09/986,555  
Amendment under 37 CFR 1.111

Attorney Docket No.: Q66984

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

/Mainak H. Mehta/  
Mainak H. Mehta  
Registration No. 46,924

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

Date: April 10, 2007